

1 The Honorable David G. Estudillo  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Ilai Kanutu KOONWAIYOU, Plaintiff,  
v.  
Antony BLINKEN, Secretary of State; U.S.  
DEPARTMENT OF STATE,  
Defendants.

Case No. 3:21-cv-05474-DGE  
**JOINT STIPULATED MOTION TO  
REMAND AND DISMISS CASE AND  
ORDER**

Noting Date: November 15, 2023

Defendants United States Secretary of State Antony Blinken and United States Department of State (collectively, “the Department”), by and through their attorney, and Plaintiff Ilai Kanutu Koonwaiyou, by and through his attorneys, submit this stipulated motion to remand and dismiss this case pursuant to the following terms.

In light of the Ninth Circuit’s opinion in this case, the parties agree that Mr. Koonwaiyou may move forward with his application for a certificate of nationality. Accordingly, the parties stipulate to remanding this case to the Department with instructions to re-adjudicate Mr. Koonwaiyou’s application for a passport in a manner consistent with the Ninth Circuit’s decision. The parties agree that on remand, Mr. Koonwaiyou will submit an updated Form DS-11 application to the Department. Within 60 days of submission of that updated application, the Department will issue a decision or request additional evidence. If additional evidence is

1 required, the Department will make any final decision as quickly as possible once  
2 Mr. Koonwaiyou submits his response.

3 The parties also stipulate to the dismissal of this case without prejudice. Any motion for  
4 fees and costs will be due within 30 days of the order, and any response to that motion will be  
5 due consistent with the Court's local rules.

6 RESPECTFULLY SUBMITTED this 15th day of November, 2023.

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## ORDER

Pursuant to the parties' stipulated motion, the Court orders as follows:

- This matter is remanded to the Department of State to adjudicate Mr. Koonwaiyou's new application consistent with the Ninth Circuit's opinion in this case.
- The Department of State shall adjudicate the application within 60 days of receiving Mr. Koonwaiyou's new application or issue a request for additional evidence, and, if further evidence is required, shall issue a final decision as quickly as possible upon Mr. Koonwaiyou's response to such a request.
- This matter is dismissed without prejudice
- Any motion for fees and costs will be due within 30 days of the order, and any response to that motion will be due consistent with the Court's local rules.

IT IS SO ORDERED.

DATED this 16<sup>th</sup> day of November 2023.

  
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David G. Estudillo  
United States District Judge